IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 248 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14/09/2004 in WP No.34404 OF 1997 on the file of the High Court.)

Between:

Dalitha Kandra Fishermen Union, rep.by its General Secretary,
Mr.S.Bhagwandas, S/o.Pithambardas,
Kandra Veedhi, Ichapuram, Ichapuram PO, Srikakulam District (AP).

..... APPELLANT

AND

1. The Government of Andhra Pradesh, Department of Social Welfare, represented by its Principal Secretary, Secretariat,
Hyderabad.
2. The Union of India, represented by its under Secretary, Ministry of Welfare, Hyderabad.
3. The National Commission for Schedule caste / Schedule Tribe represented by its Commissioner, New Delhi.
4. The Government of Orissa, Department of SC & ST Development And Minorities and Backward Classes Welfare Department, represented by its Principal Secretary, Bhubaneswar, Orissa State.
5. The Government of Madhya Pradesh, Department of Social Welfare, represented by its Principal
Secretary, Bhopal, Madhya Pradesh State.
6. The Government of West Bengal, Department of Social Welfare, represented by its Principal Secretary, Calcutta, West Bengal State.

.....RESPONDENTS

Counsel for the Appellant: Mt. A.SRINIVASA SARMA

Counsel for Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for Respondent Nos.2 & 3: Mr.A.Rajasekhar Reddy

SC for Central Government.

Counsel for Respondents Nos. 4 to 6:------

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

There is hardly any ground to interfere with the order passed by the learned Single Judge dismissing the Writ Petition. The petitioner filed the writ petition seeking a declaration that the action of respondents 1 to 3 in not treating the petitioner's union's community as Scheduled Caste in the State of Andhra Pradesh as arbitrary, illegal and violative of the provisions of the Constitution of India.

Whether a particular community is a Scheduled Caste or a Scheduled Tribe cannot be decided by the Courts. A community is a Scheduled Caste or a Scheduled Tribe only when it is included in the Presidential notification under Articles 341 and 342 of the Constitution of India, and, rightly, the learned Single Judge dismissed the Writ Petition giving opportunity to the petitioner-union to approach the concerned authority.

The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

23.2.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Principal Secretary to Government of Andhra Pradesh, Department of Social Welfare, Secretariat,
Hyderabad.
2. The Under Secretary to Government of India, Ministry of Welfare, New Delhi.

3. The Commissioner, National Commission for Schedule caste / Schedule Tribes, New Delhi.
4. The Principal Secretary to Government of Orissa, Department of SC & ST Development And Minorities and Backward Classes Welfare Department, Bhubaneswar, Orissa State.
5. The Principal Secretary to Government of Madhya Pradesh, Department of Social Welfare, Bhopal, Madhya Pradesh State.
6. The Principal Secretary to Government of West Bengal, Department of Social Welfare, Calcutta, West Bengal State.

7. Two CCs to Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.